

REMARKS

The Examiner has rejected claims 1-4, and 8-11 under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2002/0091807 to Goodman. The Examiner has rejected claims 5-7, and 12-20 under 35 U.S.C. 103 as being unpatentable over Goodman in view of U.S. Patent No. 6,334,177 to Baumgartner. The Examiner has also provisionally rejected all claims under the nonstatutory ground of obviousness-type double patenting over U.S. patent application 09/998,630.

DOUBLE PATENTING

Applicant recognizes that much material in the present application is common to co-owned, co-filed U.S. Patent Application 09/998,630. In the event that application 09/998,630 issues as a patent with an earlier expiration date than any patent issuing in the present application, Applicant will file a terminal disclaimer.

THE NEW CLAIMS

The new claims do not literally correspond to any of the former claims.

The claims have been rewritten to emphasize the self-healing aspect of the present invention in that corrupt firmware in nonvolatile memory of a cell is automatically updated with valid firmware from another cell.

Goodman discusses updating firmware of a first cell from a second cell of a cellular computer system when the first cell has older firmware than the second cell. Goodman fails to discuss automatic detection of other problems with firmware of a cell, such as corrupt firmware. Further, Goodman fails to disclose a management interconnect or any role of such management interconnect and management processors in updating firmware.

While Baumgartner discloses a management processor, Baumgartner fails to disclose any role of his management processor in recognizing levels of, or corruption of, firmware on cells of the system, or in coordinating updating of firmware in a system.

There is therefore no suggestion in Baumgartner or elsewhere in the art that his management processor should be combined with the system of Goodman in the manner claimed.

CONCLUSION

The Examiner is respectfully requested to enter the foregoing amendment and to reconsider the application as amended.

It is believed that no additional fees are due in connection with this amendment. If any fee is due, please charge Deposit Account No. 08-2025.

Respectfully submitted,

By:

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